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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/682,985

11/05/2001

Newton B. White JR.

GREN.P-001-2

4151

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01/23/2009

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EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2435

NOTIFICATION DATE

DELIVERY MODE

01/23/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKET-OPPEDAHL@OPPEDAHL.COM

nbw@nbwLLC.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/682,985	<b>Applicant(s)</b> WHITE, NEWTON B.	
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This written action is responding to the Appeal Brief filed on 09/22/2008.

a. In view of the Appeal Brief file on 09/22/2008, Applicant's argument that none of Scanlan, Ogdon, nor Scanlan combined with Ogdon, teaches or even suggests: configuring a server program so that it listens for requests for secure hypertext transfer protocol sessions on port 80 rather than port 443 is found persuasive. THEREFORE, THE PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

b. To avoid abandonment of the application, Appellant must exercises one of the following two options:

- i. File a rely under 37 CFR 1.111 (if this Office Action is non-final) or a reply under 37 CFR 1.113 (if this Office Action is final); or,
- ii. request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131, 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 3 and 10-11 have been examined and rejected.

3. Claims 3 and 10-11 are pending.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca et al. (U.S. Patent 6,088,796) and further in view of Ogdon (U.S. Patent 6,161,137).

a. Referring to Claim 3:

Cianfrocca et al. disclose a method for securely communicating with a server program using a secure hypertext transfer protocol which by default uses a first port number associated therewith, said method practiced in connection with a hypertext transfer protocol which defaults to the use of a second port number associated therewith [col. 17, lines 35-40], said method comprising:

(a) configuring the server program so that it listens for requests for secure hypertext transfer protocol sessions [col. 14, line 57 to col. 15, line 32; Fig. 4];

(b) receiving at the server program on the second port number a first data packet in a manner that is consistent with the secure hypertext

transfer protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 15, 28-32],

(c) outputting from the server program a response to the first data packet in a manner that is consistent with the secure hypertext transfer protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 15, 28-32].

Cianfrocca et al. further disclose wherein the first port number is 443 and the second port number is 80 [col. 17, lines 35-40] and it is possible to change the port for one specific protocol connection providing that no other process is already listening and to specify one port for both types of protocol connections [col. 15, lines 28-32 and 40-42].

Ogdon teaches the second port, port 80, rather than the first port, port 443, can be used for communication with the server using the secure hypertext transfer protocol, which is one of various protocols selected from the group consisting of: secure socket layer, secure sockets layer, SSL, secure hypertext transfer protocol, and HTTPS [col. 16 lines 14-31].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to combine Ogdon with Cianfrocca et al., since one would have been motivated to provide various kinds of communication security [Ogdon, col. 14 lines 40-41].

b. Referring to Claims 10 and 11:

Cianfrocca et al. disclose a method and system means for:

receiving at port 80 at the web server system a first data packet that is formatted in accordance with the protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 14, line 57 to col. 15, line 32]; and responding to the first data packet with a second data packet that is formatted in accordance with the protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 14, line 57 to col. 15, line 32].

Cianfrocca et al. further disclose wherein the port 80 [col. 17, lines 35-40] and it is possible to change the port for one specific protocol connection providing that no other process is already listening and to specify one port for both types of protocol connections [col. 15, lines 28-32 and 40-42].

Ogdon teaches the port 80 is used for communication with the server using the secure hypertext transfer protocol, which is one of various protocols selected from the group consisting of: secure socket layer, secure sockets layer, SSL, secure hypertext transfer protocol, and HTTPS [col. 16 lines 14-31].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to combine Ogdon with Cianfrocca et al., since one would have been motivated to provide various kinds of communication security [Ogdon, col. 14 lines 40-41].

## **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Sammon et al. (U.S. Patent 6,563,914) disclose a method and system which utilize a graphical user interface to identify potential participants in a teleconference, specify a user-controlled dial-up/hang-up order, and monitor the status of participants to the teleconference. The method and system receive conference commands from a World Wide Web (WWW) browser and translate the conference commands into commands that control a telephone bridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Server Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NBP

Jan. 16, 2009

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435